IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

WEDNESDAY, THE 15TH NOVEMBER 2006 / 24TH KARTHIKA 1928

Crl.Rev.Pet.No. 292 of 2006(B)

CRA.410/2003 of SESSIONS COURT, ALAPPUZHA
CC.239/2000 of JUDL.MAGISTRATE OF FIRST CLASS-II, CHERTHALA

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REVN. PETITIONER/PETITIONER/APPELLANT/ACCUSED:

MANOJ, S/O. SREEDHARAN,
VELIYIL, WARD NO.10, EZHUPUNNA GRAMA
PANCHAYAT, ERAMALLOOR P.O., CHERTHALA.

BY ADV. SRI.K.G.UNNIKRISHNAN NAIR

RESPONDENTS/COMPLAINANT:

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1. KARTHIKEYAN, S/O. KRISHNAN,
PUTHEN NIKATHIL, ERAMALLOOR P.O.,
CHERTHALA.

2. STATE OF KERALA, REPRESENTED BY
CHIEF SECRETARY THROUGH THE
PUBLIC PROSECUTOR.

BY ADV. SRI.JOBY CYRIAC

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 15/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T.SANKARAN, J

Crl. R.P. No. 292 OF 2006

Dated this the 15th day of November, 2006

ORDER

The petitioner is the accused in C.C. No. 239/2000 on the file of the Court of Judicial Magistrate of First Class II, Cherthala. He was convicted for the offence under Section 138 of the Negotiable Instruments Act and was sentenced to undergo simple imprisonment for a period of four months and to pay a fine of Rs. 5,000/- and in default of payment of fine to undergo simple imprisonment for a period of one month. Challenging the conviction and sentence, the petitioner filed Crl. A. No. 410/2003 before the Court of Session, Alappuzha. The appellate court confirmed the conviction but altered the sentence by imposing a sentence of simple imprisonment for a period of one month and to pay a compensation of Rs.60,000/- and in default of payment of compensation to undergo simple imprisonment for two months.

2. The learned counsel for the petitioner submits that the petitioner has deposited Rs. 20,000/- as per the interim order dtd. 21.2.2006, passed by this court and that the petitioner is prepared to pay the balance amount of Rs. 40,000/- within a period of three

months. The counsel submits that the sentence of imprisonment for a period of one month may be altered as sentence of imprisonment till the rising of the court. The learned counsel for the respondent has no objection to this course being adopted.

Accordingly, Crl. R.P. is allowed in part, confirming the conviction under Section 138 of the Negotiable Instruments Act and altering the sentence of imprisonment and by reducing the same to imprisonment till the rising of the court. The direction to pay compensation of Rs.60,000/- and the default sentence shall stand confirmed. The petitioner is granted three months' time to pay Rs. 40,000/-, which is the balance outstanding as payable out of the compensation amount of Rs. 60,000/-. The petitioner shall appear before the court on 19.12.2006 to suffer the imprisonment till the rising of the court and shall continue to appear as may be directed by the trial court till the compensation is paid. The first respondent/ complainant is allowed to withdraw Rs.20,000/- deposited by the petitioner/accused.

K.T.SANKARAN,
JUDGE

csl